LEGISLATIVE COUNCIL RESOLUTION 11-01

(As Adopted June 7, 2011)

BE IT RESOLVED BY THE INDIANA LEGISLATIVE COUNCIL:

SECTION 1. Any interim study committee created by statute, and required to operate under the rules of the Council, unless otherwise provided by statute, and any interim committee created by the Legislative Council shall be composed of twelve (12) voting members, with six (6) appointed from the Senate by the Chairman of the Council, and six (6) appointed from the House by the Vice-Chairman of the Council. Appointments from each chamber shall be divided equally between the two major political parties. The Chairman and Vice-Chairman of the Council may each appoint non-legislators to serve as non-voting members of a committee. Except as provided by statute, the Chairman of the Council, with the advice of the Vice-Chairman, shall designate the chairman of each committee, and may in the same manner designate a vice-chairman of each committee.

SECTION 2. The committee identified in this SECTION is established and shall study and make findings and recommendations concerning the topics assigned to it.

INTERIM STUDY COMMITTEE ON REDISTRICTING (SB 401)

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. Redistricting and make recommendations on ways to improve the redistricting process;
- B. Proposals to amend the Constitution of the State of Indiana to establish an independent commission to draw legislative and congressional district boundaries, beginning with the 2021 redistricting;
- C. The successes and failures of redistricting commission in other states and analyze the results of the 2010 election in Indiana and other states to make recommendations to the general assembly; and
- D. Certain standards for drawing legislative and congressional districts.

This committee is authorized to meet up to four times during the 2011 interim.

SECTION 3. The Legislative Council charges the following entities to study the topics indicated, and to submit findings and recommendations to the Council before November 1, 2011:

1. CRIMINAL CODE EVALUATION COMMISSION (SEA 90, HEA 1083)

THE COMMISSION IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

A. Child solicitation (IC 35-42-4-6), including whether or not there should be an increased penalty for a person who is at least twenty-one years of age to knowingly or intentionally solicit a child less than fourteen years of age, or an

- individual the person believes to be a child less than fourteen years of age (HEA 1083);
- B. Child trafficking, including whether the general assembly should enact a crime of promotion of child trafficking and if promotion of child trafficking should be added to the list of sex offenses under IC 11-8-8-4.5 (HEA 1083);
- C. Sex crimes against children, including whether there should be an increased penalty, or creation of a new crime, for the commission of a sex crime by a person at least twenty-one years of age with whom the child victim has a relationship of trust or emotional dependence, including a school employee, school volunteer, counselor, therapist, member of the clergy, and medical personnel (HEA 1083);
- D. The appropriate statute of limitations for sex crimes against children, including child molesting (IC 35-42-4-3), child exploitation (IC 35-42-4-4(b)), and sexual misconduct with a minor (IC 35-42-4-9) (HEA 1083);
- E. Whether to elevate the offense of the following:
 - (1) child molesting from a Class C felony to a Class B felony if the child is compelled to submit to the fondling or touching by force or the threat of force; and
 - (2) child solicitation:
 - (a) from a Class D felony to a Class C felony if a person solicits a child and performs an overt act demonstrating an intent to physically meet the child;
 - (b) from a Class C felony to a Class B felony if a person solicits a child by means of a computer and performs an overt act demonstrating an intent to physically meet the child; and (c) to a Class A felony if a person solicits a child by means of a
 - computer and has a previous conviction for soliciting a child by means of a computer;

(HEA 1324);

- F. The provisions in IC 4 and IC 5 addressing and governing the conduct of state workers and determine if these provisions should be reorganized and potentially recodified to promote clarity and understanding (Speaker Bosma); and
- G. Recodification of the criminal code.

2. CRIMINAL LAW AND SENTENCING POLICY STUDY COMMITTEE (IC 2-5-32.5)

- A. The laws relating to:
 - (a) the investigation of crimes;
 - (b) the prosecution of crimes;
 - (c) criminal procedures;

- (d) alternative sentencing programs;
- (e) the department of correction;
- (f) parole;
- (g) probation;
- (h) community corrections;
- (i) home detention programs;
- (j) criminal registries;
- (k) victim rights;
- (l) the classification of criminal offenses into felony and misdemeanor categories;
- (m) sex offenders; and
- (n) juvenile offenders;

(SEA 90, 490, HEA 1153);

- B. Federal requirements or incentives for states to pass certain laws or establish specific programs (SEA 90, 490, HEA 1153);
- C. The long range needs of the criminal justice and corrections systems and recommend policy priorities for those systems (SEA 90, 490, HEA 1153);
- D. Critical problems in the criminal justice and corrections systems and recommend strategies to solve the problems (SEA 90, 490, HEA 1153);
- E. The cost effectiveness of the use of state and local funds in the criminal justice and corrections systems (SEA 90, 490, HEA 1153);
- F. Plans, programs, and legislation for improving the effectiveness of the criminal justice and corrections systems (SEA 90, 490, HEA 1153);
- G. The proposal that this committee be required to review all requests for proposed legislative or constitutional changes in criminal law, criminal procedure, the law governing delinquent acts, or juvenile court procedures related to alleged delinquent acts before they are considered by the House of Representatives or Senate, unless the proposed change in criminal law has been approved by certain legislative committees and specific amounts of money have been appropriated to the department of correction if certain department expenses will increase (SB 558, HB 1571);
- H. Truth in sentencing, good time credit and earned credit time, and felony classifications (SB 561, HB 1530);
- I. Developing a criminal information packet that would contain all relevant information that pertains to an offender's dangerousness or lack of dangerousness, including: (1) the original charges; (2) the terms of any plea agreement; (3) whether the jury found the offender guilty of lesser included offenses; and (4) any other information that would allow a more accurate assessment of an offender's character (SB 561);
- J. The criminal laws regarding marijuana (SR 20, 70); and

K. Issues regarding the establishment of a child protection registry (SR 84).

3. INTERIM STUDY COMMITTEE ON ECONOMIC DEVELOPMENT (IC 2-5-31.8)

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. Best practices in state and local economic development policies and activities (HEA 1004, SB 589, HB 1007, 1466);
- B. The use and effectiveness of tax credits and deductions (HEA 1004, SB 589, HB 1007, 1466);
- C. Whether there are any specific sectors of the economy for which Indiana might have comparative advantages over other states (HEA 1004, SB 589, HB 1007, 1466);
- D. The extent to which Indiana's tax laws encourage business investment, and any improvements that might be made to Indiana's tax laws (HEA 1004, SB 589, HB 1007, 1466);
- E. The extent to which Indiana's education systems support economic development (HEA 1004, SB 589, HB 1007, 1466);
- F. The benefits of existing community revitalization enhancement districts and possible new community revitalization enhancement districts as an economic development tool (HEA 1004, SB 589, HB 1007, 1466);
- G. Any other issue as directed by the committee's co-chairs (HEA 1004, SB 589, HB 1007, 1466);
- H. The effect IC 5-22-15-20.9 and IC 36-1-12-22 will have on non-local businesses (Senator Yoder); and
- I. Unfair practice laws and the use of stolen information technology by businesses that offer products for sale in the state of Indiana (SR 57).

4. INTERIM STUDY COMMITTEE ON EDUCATION ISSUES (IC 2-5-33.5)

- A. The causes of low graduation rates in Indiana high schools (SEA 85, HB 1369);
- B. Best practices that increase graduation rates in high schools in Indiana and other states (SEA 85, HB 1369);

- C. Training and technical assistance opportunities for high schools to effectively address low graduation rates (SEA 85, HB 1369);
- D. The impact that school counselors, teachers, school administrators, and parents have on graduation rates (SEA 85, HB 1369);
- E. Superintendent compensation throughout Indiana, including salary and salary related fringe benefits and accident, sickness, health, dental, and retirement benefits, as well as whether the establishment of a statewide salary schedule based upon school corporation ADM would be beneficial to governing bodies and the state (HB 1369); and
- F. The placement of students in special education programs and the waiver process for high school graduation for students in special education programs (HB 1380).

5. INTERIM STUDY COMMITTEE ON EMPLOYMENT ISSUES (IC 2-5-34)

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. Laws related to the issue of whether or not an employee should be required to join an employee organization as a condition of employment (HEA 1001); and
- B. Project labor agreements (HEA 1001).

6. ENVIRONMENTAL QUALITY SERVICE COUNCIL (IC 13-13-7)

THE COUNCIL IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. Topics related to the supply and quality of water in the Great Lakes as set forth in IC 13-13-7-9 (6) (SEA 157);
- B. Federal funds for water protection, infrastructure conditions and regulatory matters affecting shipping, and other relevant matters (SEA 157);
- C. Each program administered by IDEM for which the annual revenue generated by the program exceeds IDEM's annual cost to administer the program (SEA 433); and
- D. The actual and potential air emissions created by the distillation of mint and whether the distillation of mint should be considered a farming operation (as defined in 326 IAC 1-2-28) for the purpose of requiring a permit under IC 13-17. EQSC shall prepare a report on these topics and advise the department of environmental management on the feasibility of establishing permit requirements for mint distillation operations under IC 13-17 (HEA 1451).

7. CHARITY GAMING STUDY COMMITTEE (IC 2-5-31.9)

- A. The requirements for obtaining a charity gaming license (SEA 340);
- B. Whether qualified organizations should be permitted to use charity gaming proceeds to pay the salaries and benefits of the qualified organization's employees (SEA 340);
- C. The reporting requirements for conducting charity gaming events (SEA 340);
- D. Whether qualified organizations should be permitted to conduct charity gaming events more frequently (SEA 340);
- E. The hours in which charity gaming events may be conducted (SEA 340); and
- F. Issues related to licensing and regulating national organizations and their affiliates (SEA 340).

8. HEALTH FINANCE COMMISSION (IC 2-5-23)

THE COMMISSION IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. Possible prohibitions on certain insurer and health maintenance organization activities related to outpatient benefits (SEA 178);
- B. The credentialing of vendors in hospitals (SEA 199);
- C. Whether to require a hospital to report to the state department of health the immunization rate for influenza for the individuals who work in the hospital, including employees, staff, and contractors and the manner and format for the report (SEA 366);
- D. Whether a pharmacist should be required to notify the prescribing physician and inform the patient if the pharmacist selects a drug other than the brand name drug listed on an antiepileptic drug prescription; and whether a pharmacist should be required to dispense a prescription in a manner to allow label accessibility to an individual who is blind (SB 25);
- E. Legislation necessary to design, establish, and implement the exchanges for health insurance coverage, including the following:
 - (1) Whether an exchange should be administered by an agency of the state or a nonprofit organization;
 - (2) Any necessary governing structure for an exchange;
 - (3) Authority and responsibilities of an exchange, including procedures for staff hiring and procurement of resources;
 - (4) Responsibilities of state agencies in coordination of activities with an exchange; and
 - (5) Other recommendations determined appropriate by the Health Finance Commission;

(SB580);

- F. Innovations in nursing home services and housing (SC 11); and
- G. Enhancing employment and training opportunities for Indiana's citizens with disabilities through studying the feasibility of establishing a non-profit business enterprises preference program for contracting or subcontracting with prime contractors for products and services provided by reviewing and making recommendations of how to maximize employment opportunities through IC 16-32-2 and IC 5-22-13 (SC 53, HR 40).

9. INTERIM STUDY COMMITTEE ON INSURANCE (IC 2-5-33.3)

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. Issues determined by the chairperson of the committee (HEA 1233);
- B. Issues regulated under IC 27 (HEA 1233);
- C. Worker's compensation insurance (HEA 1233);
- D. Health plan access to health care providers (HB 1582);
- E. Health care service prices and information (HB 1582);
- F. Health care provider office billing in connection with hospital charges HB 1582); and
- G. The appropriate statute of limitations for making a claim for occupational disease compensation (SB 576).

10. SELECT JOINT COMMISSION ON MEDICAID OVERSIGHT (IC 2-5-26)

THE COMMISSION IS CHARGED WITH STUDYING THE FOLLOWING TOPIC:

The proposed state plan amendment, including an advisory recommendation to the office concerning the state plan amendment (SEA 461).

11. COMMISSION ON MILITARY AND VETERANS AFFAIRS (IC 2-5-20)

THE COMMISSION IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. Veterans' procurement preferences (HEA 1183); and
- B. Needs of all returning Hoosier Veterans (HR 23).

12. NATURAL RESOURCES STUDY COMMITTEE (IC 2-5-5)

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

A. The present and future use of Versailles Lake to meet the needs of the public

water supply of the surrounding communities (HB 1051);

- B. Options to increase the volume of water in Versailles Lake, including transforming Versailles Lake into a reservoir (HB 1051);
- C. Options to increase and enhance the recreational opportunities and fish and wildlife habitat at Versailles Lake (HB 1051);
- D. Potential funding sources to pay for any recommended changes made to Versailles Lake (HB 1051);
- E. Any other topic related to Versailles Lake or the public water supply of surrounding communities (HB 1051);
- F. The extraction and severance of minerals in Indiana (SR 66, HR 68); and
- G. Whether or not customers only frequenting a restaurant within a state park should pay an entrance fee (Representative Cheatham).

13. PENSION MANAGEMENT OVERSIGHT COMMISSION (IC 2-5-12)

THE COMMISSION IS CHARGED WITH STUDYING THE FOLLOWING TOPIC:

Cost of living adjustments or other increases in the survivor benefits for widows of judges (Senator Long).

14. PROBATE CODE STUDY COMMISSION (IC 2-5-16)

THE COMMISSION IS CHARGED WITH STUDYING THE FOLLOWING TOPIC:

How the probate code should be amended to permit the sale of real estate located in Indiana to satisfy a claim by:

- (1) the office of Medicaid policy and planning;
- (2) the United States;
- (3) the state; or
- (4) a subdivision of the state;

against a decedent regardless of whether letters testamentary or of administration are issued within five months of the decedent's death (SEA 331).

15. REGULATORY FLEXIBILITY COMMITTEE (IC 8-1-2.6-4)

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. Whether video service franchise fees paid to local units under:
 - (1) a certificate of franchise authority issued by the commission under IC 8-1-34; or
 - (2) an unexpired local franchise issued by a local unit before July 1, 2006;

are used by local units for purposes related to the provision of video service in the

units and in a manner consistent with IC 8-1-34 (HEA 1131);

- B. Whether the video service franchise fees described in A have an anticompetitive effect on the pricing and provision of video service in Indiana (The IURC shall provide any data or other information requested by the committee to conduct this study. However, this subsection does not empower the commission to disclose confidential and proprietary business plans and other confidential information without adequate protection of the information. The commission shall exercise all necessary caution to avoid disclosure of confidential information supplied under this subsection) (HEA 1131); and
- C. Disproportionate water and sewer rates (HR 15).

16. COMMISSION ON STATE TAX AND FINANCING POLICY (IC 2-5-3)

THE COMMISSION IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. How the Indiana income tax structure, including existing and potentially new income tax credits and deductions, may influence a senior's decision on residency in Indiana after retirement (SEA 39);
- B. How each of the local option income taxes imposed under IC 6-3.5 affects the ability of political subdivisions to provide services to:
 - (1) a facility that employs a significant number of individuals who reside outside the county in which the facility is located; and (2) the individuals who reside outside the county in which a facility described in clause (1) is located and commute to a job at that facility;

(SEA 39);

- C. Whether counties and other political subdivisions should be provided additional financing options for providing services to the facilities and individuals described in subdivision B (SEA 39);
- D. How local option income taxes should be distributed within a county to local units of government (SEA 39);
- E. Transit funding and whether and to what extent transit funding should be a state or local responsibility (HEA 1001);
- F. Issues related to fire protection territories, including the following:
 - (1) The formation process for territories;
 - (2) The establishment of tax rates and tax levies for territories, including tax rates for agricultural land; and
 - (3) Other issues as determined by the commission; (HEA 1004, HB 1007);
- G. All aspects, including the advantages and disadvantages, of phasing out the state inheritance tax (HEA 1004, HB 1007, SB 589);

- H. Issues related to township assistance provided in Calumet Township in Lake County, including any effects on taxpayers in the town of Griffith (HEA 1004, HB 1007);
- I. Whether commercial rental property should for property tax purposes be valued by using the lowest valuation determined by applying each of the appraisal approaches used for determining the assessed valuation of residential rental property under IC 6-1.1-4-39 (HEA 1004, HB 1007);
- J. Issues related to periodic or "rolling" reassessment (HEA 1004, HB 1007);
- K. Whether a tax incentive for logistics and homeland security expenditures will provide a net gain in tax revenue and investment in Indiana (HEA 1004, HB 1007);
- L. Methods for eliminating or reducing the personal property tax statewide and the appropriateness of allowing local government the option of eliminating or abating personal property tax, including the authority to offer deductions or exemptions for new investment and economic development purposes (HEA 1004, HB 1007);
- M. Differences between the eligibility of nonprofit entities for federal income tax exemptions and the eligibility of nonprofit entities for Indiana property tax exemptions (HEA 1004, HB 1007);
- N. Issues related to sales tax holidays (HEA 1004, HB 1007);
- O. Internet sales and taxation (HEA 1004, HB 1007);
- P. Whether county government should be granted the authority to exempt personal property (HB 1007);
- Q. Whether property tax credits and deductions for residential property to which the seller of the property was entitled should be transferred to the buyer in the year of the sale if the property is determined to be exempt for the year following the year of the sale (HB 1007);
- R. Issues related to the earned income tax credit (HB 1007);
- S. Modernizing Indiana legislative timelines for assessment and budget cycles to address current taxation practices and changes in technology (SR 83); and
- T. The history and use of historic preservation tax credits and the economic benefits of expanding the availability and increasing the statutory limits of such credits (Representative Clere).

17. JOINT STUDY COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE ASSESSMENT AND SOLUTIONS (IC 2-5-28.5)

- A. The condition of Indiana's transportation infrastructure in both the public and private sectors (HEA 1371);
- B. In connection with the Indiana department of transportation and other interested parties, project Indiana's transportation demands through 2035 (HEA 1371);
- C. Whether Indiana's existing transportation infrastructure is capable of meeting the transportation demands projected under B (HEA 1371);
- D. The appropriate roles and responsibilities for:
 - (1) the state and county and municipal governments; and
 - (2) the private sector; in meeting Indiana's projected transportation demands

(HEA 1371);

- E. Potential funding sources for both public and private transportation and infrastructure projects (HEA 1371);
- F. Report its findings to the governor and, in an electronic format under IC 5-14-6, the general assembly (HEA 1371);
- G. The use of motorized bicycles and motor scooters in Indiana, including the following topics:
 - (1) Definitions of the following:
 - (a) Motorized bicycle;
 - (b) Motor scooter;
 - (c) Moped; and
 - (d) Motor-driven cycle;
 - (2) Issues related to:
 - (a) internal combustion power; and
 - (b) battery power; of motor vehicles described in subdivision (1); (HEA 1334, HB 1426);
- H. Registration of, taxation of; and insurance requirements for; motor vehicles described in subdivision G(1) (HEA 1334, HB 1426); and
- I. The necessity of informing governmental bodies about proposed state highway projects that require the highway to be closed at least five consecutive days (SC 50).